IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16017 of 2004

Between:

J.Hanumappa So. J.Ramadasu,age 39 years,Occ:casual driver,
R/o. D.No.1-1-421, Shantinagar, Anantapur.

..... PETITIONER

AND

1 The Depot Manager, A.P.S.R.T.C, Anantapur Depot Anantapur District.
2 The Regional Manager, A.P.S.R.T.C, Anantapur Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the proceedings bearing No.03/2(13)/04-ATP dated 16-8-2004 as illegal, arbitrary and in violation of Principles of natural justice and in violation of Article 14 and 21 of the Constitution of India and consequently direct the respondents to reinstate the petitioner into service with all consequential benefits.

Counsel for the Petitioner:MR.A.RAMA RAO

Counsel for the Respondents.: MR.Y.V.SWAMY, S.C. for APSRTC

The Court at the admission stage made the following :

ORDER:

The petitioner worked as a casual driver. He contends that he was selected as a driver on 21-8-1998 by a selection committee duly constituted by the Corporation. On 4-6-2004 while he was driving the bus an accident occurred resulting in injuries to a cyclist. A show cause notice was issued to the petitioner on 25-6-2004 by the 1st respondent calling for explanation. The petitioner submitted his explanation on 26-6-2004 contending that he is not responsible for the accident.

The grievance of the petitioner is that the 1st respondent without considering the explanation given by the petitioner and without conducting any enquiry, deleted the name of the petitioner from the approved list of selected drivers through the proceeding, dated 16-8-2004. The petitioner, therefore, approached this Court through this Writ Petition seeking to declare that the order of the 1st respondent, dated 16-8-2004 is not sustainable under law and it is liable to be set aside.

The impugned order does not disclose whether any enquiry was conducted before imposing the punishment of removal of the name of the petitioner from the list of selected candidates. Since, the order passed by the 1st respondent was against the procedure prescribed under the Rules and Regulations and against the principles of natural justice, the order is liable to be quashed.

Accordingly, the impugned order of the 1st respondent, dated 16-8-2004 is set aside. The Writ Petition is accordingly allowed. The 1st respondent is directed to restore the name of the petitioner into the list of selected candidates for drivers and shall continue to avail the services of the petitioner in the manner in which the services were availed previously. The respondent Corporation is at liberty to proceed with the disciplinary enquiry against the petitioner and pass appropriate orders according to

the Rules and Regulations after giving opportunity to the petitioner. No order as to costs.

Dr.G.Yethirajulu, J.

9th September, 2004.

Note:

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B/o

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ASSISTANT REGISTRAR

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SECTION OFFICER

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday the Nineth day of September, Two thousand and Four.

To

1 The Depot Manager, A.P.S.R.T.C, Anantapur Depot Anantapur District.
2 The Regional Manager, A.P.S.R.T.C, Anantapur Anantapur District.

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THE HON'BLE DR JUSTICE G.YETHIRAJULU

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9th September, 2004